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6 Attorneys for Plaintiff  
HOMETEAM PEST DEFENSE, INC.

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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 ***E-FILING***

12 HOMETEAM PEST DEFENSE, INC.,	)	
	)	<b>CASE NO. CV 09-1158 JSW</b>
13 Plaintiff,	)	
	)	<b>JOINT STIPULATION AND</b>
14 vs.	)	<b>TEMPORARY RESTRAINING</b>
	)	<b>ORDER AND HEARING DATE FOR</b>
15 DAVID WOODMAN, ROBERTO BARON,	)	<b>MOTION FOR PRELIMINARY</b>
TIM KATRONES, MICHAEL	)	<b>INJUNCTION</b>
16 FAULKENBERRY, MICHAEL ISHAM,	)	
GLEN MCCAULEY, SEAN MCCAULEY,	)	
17 DELTA PEST CONTROL, and DOES 1	)	[FRCP Rule 65 & Civil Local Rule 65-1]
through 50, inclusive ,	)	
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Defendants.		
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1 Plaintiff HOMETEAM PEST DEFENSE, INC. ("HomeTeam") and Defendants GLEN  
 2 MCCAULEY, SEAN MCCAULEY, DELTA PEST CONTROL hereby stipulate that Glen  
 3 McCauley, Sean McCauley and Delta Pest Control are temporarily restrained from utilizing the  
 4 Garden Plus Trademark outside of the three Permitted California Counties of Marin, Napa and  
 5 Sonoma, and from competing with HomeTeam Pest Defense as Garden Plus outside of those  
 6 Counties as provided in the January, 2008 Asset Purchase Agreement, Trademark Sublicense  
 7 Agreement and Purchaser Non-Competition Agreement entered into between Sean McCauley  
 8 and HomeTeam. To that end, Glen McCauley, Sean McCauley and Delta Pest Control will  
 9 perform the following acts:

- 10 1. Except as provided below, cease using the Garden Plus mark going forward in all  
 11 California Counties, except Marin, Napa and Sonoma.;
- 12 2. Remove all Garden Plus signs from 2695 East Leland Road, Pittsburg, California  
 13 94565 on or before April 23, 2009;
- 14 3. Remove the Garden Plus mark from the vans, trucks and/or automobiles used to  
 15 perform work in California Counties, except Marin, Napa and Sonoma Counties  
 16 on or before April 23, 2009;
- 17 4. Remove the Garden Plus mark from any uniforms worn by the employees of Delta  
 18 Pest Control, Sean McCauley and Glen McCauley working in all California  
 19 Counties, except Marin, Napa and Sonoma Counties on or before March 30, 2009;
- 20 5. Amend business licence, if any, issued to Glen McCauley, Sean McCauley and/or  
 21 Delta Pest Control with the Garden Plus name and the 2695 East Leland Road,  
 22 Pittsburg, California 94565 address to discontinue the use of the Garden Plus  
 23 name on or before March 30, 2009;
- 24 6. Not use the Garden Plus mark on any invoices or other paperwork in California  
 25 Counties, excluding Marin, Napa and Sonoma Counties;
- 26 7. Not use the Garden Plus mark on any new advertising in California Counties,  
 27 excluding Marin, Napa and Sonoma Counties;
- 28 8. Remove the 2695 East Leland Road, Pittsburg, California 94565 address from the  
[www.gardenpluspest.com](http://www.gardenpluspest.com) website on or before March 30, 2009;

- 1           9.     Remove the link between the [www.deltapest.com](http://www.deltapest.com) website and the
- 2                 [www.gardenpluspest.com](http://www.gardenpluspest.com) website on or before March 30, 2009;
- 3           10.    Not directly or indirectly solicit or otherwise induce any of the employees of
- 4                 HomeTeam to leave the employment of HomeTeam without prior written
- 5                 approval from HomeTeam. If approached by employees of HomeTeam, Glen
- 6                 McCauley, Sean McCauley and/or Delta Pest Control will inform them that “they
- 7                 cannot directly or indirectly solicit or otherwise induce any of the employees of
- 8                 HomeTeam to leave the employment of HomeTeam without prior written
- 9                 approval from HomeTeam;”
- 10          11.    Not directly or indirectly knowingly or recklessly solicit business that competes
- 11                 with the business from customers of HomeTeam in Arizona, Nevada or
- 12                 California, excluding Marin, Napa and Sonoma Counties;
- 13          12.    Not knowingly or recklessly permit former HomeTeam employees who work for
- 14                 Glen McCauley, Sean McCauley and/or Delta Pest Control to use HomeTeam’s
- 15                 trade secrets or confidential information. Further, they shall instruct all former
- 16                 HomeTeam employees who work for Glen McCauley, Sean McCauley and/or
- 17                 Delta Pest Control not to use HomeTeam’s trade secrets or confidential
- 18                 information; and,
- 19          13.    Not knowingly or recklessly permit former HomeTeam employees who work for
- 20                 Glen McCauley, Sean McCauley and/or Delta Pest Control to solicit HomeTeam’s
- 21                 customers, excluding Marin, Napa and Sonoma counties. Further, they shall
- 22                 instruct former HomeTeam employees who work for Glen McCauley, Sean
- 23                 McCauley and/or Delta Pest Control not to solicit HomeTeam’s customers,
- 24                 excluding Marin, Napa and Sonoma counties.

25           Plaintiff’s motion for Preliminary Injunction shall be heard on: June 5, 2009.

26           Anything done or to be done or agreed by the parties in this stipulation and proposed  
27 temporary restraining order shall not waive, invalidate, forfeit or modify any of their rights and/or  
28 claims or defenses in this action, including the right to seek to modify or expand any restraining  
order and the right to seek new restraining orders. Furthermore, the parties expressly reserve all

1 of their rights to assert ANY claim and/or defense in this action. The foregoing is without  
2 prejudice to the parties' positions regarding all matters to be adjudicated in the preliminary  
3 injunction.

4 SO STIPULATED.

5  
6 DATED: March 23, 2009

RIMAC MARTIN, P.C.

7  
8 By: /s/ WILLIAM REILLY

9 William Reilly  
10 Attorneys for Plaintiff HomeTeam

11 DATED: March 23, 2009

Law Office of Kenneth Brans

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13  
14 By: /s/ KENNETH BRANS

15 Kenneth Brans  
16 Attorney for Defendants GLEN MCCAULEY, SEAN  
17 MCCAULEY, DELTA PEST CONTROL

18 SO ORDERED:

19 DATED: March 30, 2009

